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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,350	10/03/2003	Victor Burger	941-011545-US(PAR)	1808
2512	7590	09/22/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			TRUONG, BAO Q	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/678,350	BURGER ET AL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bao Q. Truong	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 and 12-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/3/2003</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Species IV and claims 1-37 readable thereon in the reply filed on 31 August 2005 is acknowledged. The traversal is on the ground(s) that the restriction is improper because the examiner has not provided any reasons for the restriction and has not met the burden required to establish why the claims cannot be examined together. This is not found persuasive because the drawings of different embodiments have patentably distinct species, see MPEP 806.04(a) and (e). Furthermore, claims 1-7 are readable on Species II of Fig. 5; and claims 12-37 are readable on Species V and VI of Fig. 8a-8c and 9. Therefore, claims 1-7 and 12-37 are withdrawn from consideration.

The requirement is still deemed proper and is therefore made FINAL.

### ***Specification***

2. The abstract of the disclosure is objected to because "comprises" in line 2 should be changed to --include/have--. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

3. Claims 8-11 are objected to because of the following informalities:

Claim 8, "two electrodes" in line 3-4 should be changed to --the/said two electrodes--.

Claims 9-11, in preamble, "A" should be changed to --The--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Eguchi et al. [US 4,741,976].

Regarding claim 8, Eguchi et al. discloses a thin film EL panel having an emission layer [22-2] between two electrodes [25, 26] and a substitute capacitor layer [23-1] between two electrodes [25, 26] (figures 1, 2 and 5, abstract, column 21, lines 40-45).

Regarding claim 9, Eguchi et al. discloses the emissions layer [22-2] being between a transparent front electrode [26] and a second electrode [23-2], and the substitute capacitor layer [23-1] being between the second electrode [23-2] and a rear electrode [25] (figure 2).

Regarding claim 10, Eguchi et al. discloses the substitute capacitor layer [23-1] and the emission layer [22-2] being formed by one and the same electrolytic material [monomolecular thin film] (figure 2, column 2 lines 55-58).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eguchi et al. [US 4,741,976].

Eguchi et al. discloses an EL panel region having an emission layer [22-2] and a substitute capacitor layer [23-1] (figures 2 and 5), but does not disclose the plurality of panel regions.

Houten et al. discloses an EL panel having a plurality of regions (figure 2).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to duplicate the EL panel region of Eguchi et al. into a plurality of panel regions as taught by Houten et al. for purpose of providing an advantageous way of controlling different colors and light intensity.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kapoor et al. [US 5,805,124] discloses an EL panel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bao Q. Truong  
Examiner  
Art Unit 2875

A handwritten signature in black ink, appearing to read 'John Anthony Ward', with a large, stylized loop at the end.

**JOHN ANTHONY WARD**  
PRIMARY EXAMINER